

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:

FAIRFIELD SENTRY LIMITED, et al.,
Debtor in Foreign
Proceedings.

Chapter 15 Case

Case No. 10-13164 (CGM)

Jointly Administered

FAIRFIELD SENTRY LTD. (IN
LIQUIDATION), et al.,

Adv. Pro. No. 10-03635 (CGM)

Plaintiffs,

v.

ABN AMRO SCHWEIZ AG, et al.,
Defendants.

FAIRFIELD SENTRY LTD. (IN
LIQUIDATION), et al.,

Adv. Pro. No. 10-03636 (CGM)

Plaintiffs,

v.

ABN AMRO SCHWEIZ AG, et al.,
Defendants.

**JOINT MOTION TO FILE REDACTED BRIEFS
IN FURTHER SUPPORT OF THE LIQUIDATORS' MOTION FOR SANCTIONS**

Kenneth M. Krys and Greig Mitchell, in their capacities as the duly appointed Liquidators and Foreign Representatives of Fairfield Sentry Limited (In Liquidation) and Fairfield Sigma Limited (In Liquidation) (the “Liquidators”) and BNP Paribas (Suisse) SA, BNP Paribas (Suisse) SA Ex Fortis, BNP Paribas (Suisse) SA Private (“BNP Suisse” or “Defendants”) (together the “Parties”) respectfully jointly move pursuant to Local Bankruptcy Rule 9018-1 and the Parties’ so-ordered Stipulation and Confidentiality Agreement and Protective Orders (the “Protective

Orders") entered in this case, *Fairfield Sentry Limited (In Liquidation) v. ABN AMRO Schweiz AG*, Adv. Pro. No. 10-03636, Dkt. No. 918 ¶ 12 (Bankr. S.D.N.Y. February 16, 2022) and *Fairfield Sentry Ltd. (In Liquidation) v. ABN AMRO Schweiz AG*, Adv. Pro. No. 10-03635, Dkt. No. 849 ¶ 12 (Bankr. S.D.N.Y. February 16, 2022), for an Order permitting the Liquidators to file a redacted version of the Liquidators' Reply Brief in Further Support of their Motion for Sanctions (the "Reply") to the extent it reflects or refers to sealed information. A redacted version of the Reply is submitted herewith.

The Reply relies on documents designated by BNP Suisse or third parties as "Confidential" or "Highly Confidential" under the Protective Order and which were previously filed under the pending Joint Motion to File Under Seal Motion For Sanctions and Certain Exhibits, Adv. Pro. No. 10-03636, Dkt. No. 1084 and Adv. Pro. No. 10-03635, Dkt. No. 1001, as set forth in the Declaration in Support of the Motion for Sanctions, Adv. Pro. No. 10-03636, Dkt. No. 1084-2 and Adv. Pro. No. 10-03635, Dkt. No. 1001-2, and the pending Joint Motion to File Under Seal Brief in Opposition to Liquidators' Motion for Sanctions and Certain Exhibits, Adv. Pro. No. 10-03636, Dkt. No. 1093 and Adv. Pro. No. 10-03635, Dkt. No. 1006, as set forth in the Declaration in Opposition to the Motion for Sanctions, Adv. Pro. No. 10-03636, Dkt. No. 1093-2 and Adv. Pro. No. 10-03635, Dkt. No. 1006-2, (collectively the "Joint Motions to Seal"). The Liquidators reserve the right to later challenge these confidentiality designations pursuant to the Protective Orders. Protective Orders at ¶ 4.

The Reply also extensively relies on a transcript of a December 15, 2022, 30(b)(6) deposition of BNP Suisse's designee, Stephanie Gyetvan (the "Deposition Transcript"), attached to the Declaration in Support of the Motion for Sanctions as Exhibit 1 thereto. BNP Suisse originally designated the entire Deposition Transcript as Confidential. See Deposition Transcript,

Declaration in Support of the Motion for Sanctions Ex. 1 at 92:5-8. The Parties therefore filed the Deposition Transcript under the pending Joint Motions to Seal. BNP Suisse has since revised its designation, instead designating only certain portions of the Deposition Transcript as “Confidential” under the Protective Order, including portions on which the Liquidators rely in the Reply.

Because the Protective Order requires that any party intending to refer to “Confidential” material in briefing must request that the court seal that material, Protective Order ¶ 12, the Liquidators hereby request that the Court permit them to file redacted versions of the Reply. BNP Suisse joins in that motion.

The Parties respectfully request that the Court grant this Sealing Motion. The Parties also respectfully request permission to file copies of sealed documents with the Clerk of Court through electronic means, rather than in hard copy. A proposed order to that effect has been submitted to Orders, consistent with this Chambers’ Rules.

Dated: New York, NY
March 8, 2023

Respectfully submitted,

By: /s/ Joshua S. Margolin
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